



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,306	12/29/2000	Carol J. Ansley	56130.000063	6729

7590 06/09/2004

James G. Gatto, Esq.
Hunton & Williams
Suite 1200
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

JONES, PRENELL P

ART UNIT PAPER NUMBER

2667

DATE MAILED: 06/09/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,306

Applicant(s)

ANSLEY, CAROL J.

Examiner

Prenell P Jones

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 6-13 and 16-20 is/are rejected.
- 7) ☐ Claim(s) 4, 5, 14, 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6-12, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman et al in view of Sistanizadeh et al.

Regarding claims 1, 2, 6, 8-12, 16, 18 and 20, Gorman (Abstract, Figs. 1-11, col. 3, line 48 thru col. 6, line 57, col. 8, line 39 thru col. 10, line 35) discloses fiber network accommodating high-speed broadband communications via cable modem wherein the architecture includes bi-directional transmission of packets between cable modem terminal system (CMTS) and cable modems/subscriber terminals, a plurality of receiver modules associated with the CMTS, fiber coax networks/cable television that accommodate path multiplexing, plurality of ports for interfacing devices, plurality of interface lines, ATM interfaces, network interfaces, selection of ATM cells as data unit for cable TV networks, allocation of system services (frequency/channels), (col. 18, line 9 thru col. 20 line 35) multiple RPM/multiplexers for multiplexing signals (broadband), switches associated with multiplexer selects/de-selects RF signal/frequency, (col. 6, line 15 thru col. 7, line 3) network accommodates Internet services via IP protocol, telephony/video data (col. 15, line 32 thru col. 16, line 24) QPSK/QAM (decoding) receiver communicating information via buses, tuner used to tune in frequencies of interest, and

Art Unit: 2667

(col. 25, line 29 thru col. 27, line 25) additional receiver cards used as redundant backup receiver to other receiver cards, RPM allows other receiver cards to sit in standby mode in case a receiver card fails. Gorman is silent on multiplexing broadband signals according to allocated frequency. In analogous art, Sistanizadeh discloses (Abstract, Figs. 7 & 12, col. 6, line 36 –67, col. 8, line 59- a broadcast system that supplies multiplexed channels to plurality of receiving systems providing broadband service, communication among broadband devices such as cable TV via associated broadband signals, (col. 24, line 61 thru col. 25, line 17) multiplexing broadband signals with respect to assigned frequency range. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement multiplexing broadband data with respect to assigned frequency as associated with a cable TV network which is taught by Sistanizadeh with the teachings of Gorman who offers a cable network (CATV) that accommodates broadband data for the purpose of further providing frequency/bandwidth management in addition to providing dedicated service to a plurality of users with minimal or no blocking.

Regarding claims 7 and 17, as indicated above, Sistanizadeh discloses (Abstract, Figs. 7 & 12, col. 6, line 36 –67, col. 8, line 59- a broadcast system that supplies multiplexed channels to plurality of receiving systems providing broadband service, communication among broadband devices such as cable TV via associated broadband signals, (col. 24, line 61 thru col. 25, line 17) multiplexing broadband signals with respect to assigned frequency range. Sistanizadeh further discloses (col. 14, line 7-40) plurality of converters wherein there exist an electrical to optical and optical to electrical converters system whereby optical signals are converted to electrical signals and visa versa.

Art Unit: 2667

Regarding claims 3 and 13, as indicated above, Gorman (Abstract, Figs. 1-11, col. 3, line 48 thru col. 6, line 57, col. 8, line 39 thru col. 10, line 35) discloses fiber network accommodating high-speed broadband communications via cable modem wherein the architecture includes bi-directional transmission of packets between cable modem terminal system (CMTS) and cable modems/subscriber terminals, a plurality of receiver modules associated with the CMTS, fiber coax networks/cable television that accommodate path multiplexing, plurality of ports for interfacing devices, plurality of interface lines, ATM interfaces, network interfaces, selection of ATM cells as data unit for cable TV networks, allocation of system services (frequency/channels), (col. 18, line 9 thru col. 20 line 35) multiple RPM/multiplexers for multiplexing signals (broadband), switches associated with multiplexer selects/de-selects RF signal/frequency, (col. 6, line 15 thru col. 7, line 3) network accommodates Internet services via IP protocol, (col. 15, line 32 thru col. 16, line 24) QPSK/QAM (decoding) receiver communicating information via buses, tuner used to tune in frequencies of interest, and he further discloses (col. 25, line 29 thru col. 27, line 25) additional receiver cards used as redundant backup receiver to other receiver cards, RPM allows other receiver cards to sit in standby mode in case a receiver card fails.

Allowable Subject Matter

3. Claims 4, 5, 14, 15 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although the combined prior art of Gorman et al and Sistanizadeh et al wherein Gorman discloses broadband communication associated with a CATV fiber optic network whereby the

Art Unit: 2667

cable modems assist in scheduling transmission with respect to allocated frequency and bandwidth management, and Sistanizadeh discloses managing frequency/bandwidths associated with communicating broadband data in a wireless cable modem (CATV) environment they fail to teach/suggest the activation of a second receiver unit comprises tuning at least one of the individual receiver modules of a second receiver unit to an assigned frequency for a corresponding failed one of the individual receiver modules in the first receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

June 1, 2004



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

6/7/04